

## Remarks

Claims 3, 5, 8, 15, 17, 18, and 21-26 remain in the application.

The Examiner has rejected claims 3, 5, 8, and 15-18 under 35 U.S.C. 103(a) as being obvious over Chang (U.S. Patent 6,525,850) in view of Mizrahi (U.S. Patent 6,067,181). This rejection is again traversed. The Examiner's long rejection in fact contains as new information minimal rebuttal in short ¶5 to the detailed arguments presented in the last response of May 12, 2005.

In that rebuttal, the Examiner fails to state where in the cited references subcarrier multiplexing is taught.

Further, his statement that a new header at a different frequency is modulated onto a data carrying carrier signal is unsupported by citations to the art. For example, it is not seen how Chang reads upon "applying the modulated optical carrier to an optical modulator adapted for writing new subcarrier modulated control information," as required in claim 3. Similar restrictions are found in "modulating the directed optical carrier to add a subcarrier containing new control information" in claim 5, and in "means for modulating the modulated optical carrier to add new information contained in a new modulated optical subcarrier" in claim 8. In contrast, Chang in FIG. 12, passes both the DATA signal and the three header signals 1213, 1214, 1215 through the optical switch & ADM 1207 while electrical signals generate a new optical header signal 1219, which the optical switch & ADM 1207 adds to the prior DATA signal and three header signals 1213, 1214, 1215. However, the language of claim 8 has been tightened to more clearly separate the operation of the different parts.

A new independent claim 24 has been added which adopts some more straightforward language than claim 3. This new claim is not read upon by Chang alone or in combination with the other applied references. Dependent claim 25 specifies the wavelength conversion of existing claim 5.

A new dependent claim 26 specifies the form of the modulating means of claim 8. In

contrast, Chang apparently modulates a new header frequency before adding it to prior data (and header) signals in his optical switch & ADM 1207.

The Examiner has failed to issue rejections to claims 21-23 added in the preliminary amendment submitted on May 12, 2005 together with the RCE. Chang's lack of an optical modulator configured with the remaining elements has been addressed above.

In view of the above amendments and remarks, reconsideration and allowance of all claims are respectfully requested. If the Examiner believes that a telephone interview would be helpful, he is invited to contact the contact attorney at the listed telephone number, which is on California time.

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Respectfully submitted,



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